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November 23, 2011

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Via Electronic Filing

Re: MB Dkt 09-182, 2010 Quadrennial Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996

Dear Ms. Dortch,

Pursuant to section 1.1206(b) of the Commission’s rules, Free Press submits this notice regarding an *ex parte* communication in the above referenced proceeding.

On November 21, 2011, Matt Wood, Policy Director, and Corie Wright, Policy Counsel, of Free Press, met with Dave Grimaldi, Chief of Staff to Commissioner Mignon Clyburn, and Loree Stark, intern.

The subject of the meeting was the FCC’s pending 2010 Media Ownership Review. In large part, we discussed press reports that the FCC is circulating a notice of proposed rulemaking reintroducing a relaxed newspaper-broadcast cross ownership rule that is substantially similar to one adopted along a party-line vote by the FCC in 2007. That rule was vacated by the U.S. Court of Appeals for the Third Circuit in July.¹

Free Press recounted the widespread criticism of and resistance to the rule adopted in 2007,² as evidenced by public comments opposing any relaxation of the media ownership protections, as well as bipartisan resolutions of disapproval introduced in the House and Senate seeking to overturn the rule.³

Free Press also expressed concern that the FCC had yet to address the unacceptably low levels of broadcast ownership among historically underrepresented groups, including women and people of color. The Third Circuit affirmed that because “ownership diversity is an important aspect of the overall media ownership regulatory framework,” actions to

¹ See *Prometheus Radio Project v. FCC*, 652 F.3d 431 (3d Cir. 2011) (“Prometheus II”).

² See, e.g., Aaron et al., Devil in the Details: 10 Facts Kevin Martin Doesn’t Want You to Know about his New Media Ownership Rules, Free Press (2007) available at http://www.stopbigmedia.com/files/devil_in_the_details.pdf.

³ S.J. Res. 28, 110th Cong. (2008); H.J. Res. 79, 110th Cong. (2008).

promote or assess broadcast ownership levels among underrepresented groups “should be completed within the course of the Commission's 2010 Quadrennial Review of its media ownership rules.”⁴

Despite this charge, none of the studies released by the FCC in conjunction with the 2010 Quadrennial Review explore potential links between market structure and ownership diversity.⁵ Free Press emphasized that sound policy making and the Third Circuit Order require the FCC to evaluate the impact of all of its media ownership rules on ownership opportunities for women and people of color, and that the FCC should not move forward with rule changes until it has measures in place to preserve and enhance ownership among these groups.

In accordance with the Commission's rules this *ex parte* notice is being filed electronically in the above referenced docket. If you have any questions regarding this filing, please do not hesitate to contact me.

Respectfully
submitted,

_____/s/_____

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Cc:
Dave Grimaldi
Loree Stark

⁴ *Prometheus II*, 652 F.3d at 472.

⁵ One study, FCC Study Number 7, seeks to examine links between minority ownership and minority-targeted programming in radio. That study finds a link between minority owned radio stations and minority-targeted programming, but it does not explore the link between market structure and the prevalence of minority-owned stations. Joel Waldfogel, *Radio Station Ownership Structure and the Provision of Programming to Minority Audiences* (2011) available at <http://www.fcc.gov/encyclopedia/2010-media-ownership-studies>.